

HUBR-1271 (10411862)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Jager, et al.  
Serial No. : Please Assign  
Filed : Herewith  
For : USE OF CREATIVE PYRUVATE FOR INCREASING  
STAMINA DURING HIGHLY INTENSIVE  
INTERMITTENT PHYSICAL EXERTION  
Art Unit : To be assigned  
Examiner : To be assigned

---

September 30, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Box PCT

I hereby certify that this correspondence is being deposited with the  
United States Postal Service by Express Mail No. EV 331559455 US  
in an envelope addressed to Commissioner for Patents, P. O. Box  
1450, Alexandria, VA 22313-1450 on the date shown below:

Eileen Sheffield

  
Signature

Date

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

10/510173

DT05 1'd PCT/PTO 04 OCT 2004

DE 196 53 225 was cited in a Search Report (copy enclosed) which was issued in a corresponding German application and it corresponds to U.S. Patent 6,166,249.

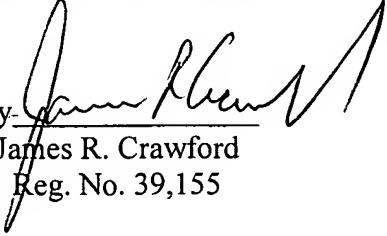
While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-HUBR-1271-US. A duplicate copy of this paper is enclosed.

Respectfully submitted

FULBRIGHT & JAWORSKI L.L.P.

By:   
James R. Crawford  
Reg. No. 39,155

666 Fifth Avenue  
New York, New York 10103  
(212) 318-3148

10/510173

DT05 Rec'd PCT/PTO 04 OCT 2004

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO				Complete if Known	
				Application Number	
				Filing Date	
				First Named Inventor	Jager, et al.
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	NY-HUBR 1271 -US (10411862)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
AA	US-6,008,252 A	12/28/99	Beale		
AB	US-5,886,040 A	3/23/99	Fang		
AC	US-6,166,249 A	12/26/00	Pischel, et al.		

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
AD	DE-100 03 835 A1		8/16/01	SWK Trostberg AG	
AE	WO- 99/65476 A1		12/23/99	Bioenergy Inc.	
AF	WO-01/00203 A1		1/4/01	Avicena Group	

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See attached Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS						
		Effects of in-season 95 weeks) Creatine..Players", Stone, et al. Inter. Journ. Of Sport Nutrition, 6/1999. Vol. 9.				
		"Creatine Pyruvate 500 grams", Anonymous, Internet Citation, "OnLine, retrieved on 7/03				
Examiner Initials	Cite					T <sup>2</sup>
Examiner Signature				Date Considered		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.